

1791A  
CE-03-02  
OR 48457  
Brickerville TV Cable Service, Inc.

United States  
Department of the Interior  
Bureau of Land Management  
Eugene District Office

**CATEGORICAL EXCLUSION REVIEW**

**Background:** The BLM's Lot 5, Section 3, T. 18 S., R. 10 W., Will. Mer.) is the location of the Brickerville TV Cable Service, Inc. communication site. The subject cable television headend facilities were authorized under BLM right-of-way grant OR 48457, originally issued July 31, 1992, for an approximate 10-year term. Categorical Exclusion 92-12, written for the issuance of the grant, is attached. This communication site is not identified as such in the Eugene District Record of Decision and Resource Management Plan, map #11, however, the site had been used for a number of years as a cable television headend site before its use was authorized by the BLM initially in July, 1992. The right-of-way grant holder, Brickerville TV Cable Service, Inc., is a small non-profit organization that was formed to provide cable television service for a small group of residents in the Mapleton area.

The Brickerville TV Cable Service, Inc. right-of-way grant OR 48457 is scheduled to expire December 31, 2002. Provision 2.d. of the grant document allows for the grant to be renewed subject to regulations existing at the time of the renewal and such other terms and conditions deemed necessary to protect the public interest. Accordingly, Brickerville TV Cable Service, Inc. has requested, by letter dated September 3, 2002, that the grant be renewed, since the rights authorized by the grant are integral to Brickerville TV Cable Service, Inc. continuing its operations. This written request is in accordance with 43 CFR 2803.6-5, regarding renewal of right-of-way grants.

A BLM inspection of the communication site in January, 2002, indicated a small discrepancy between the existing conditions at the site and the Exhibit A (dated July 22, 1992) attached to grant OR 48457. An additional small building (sized at 8'x8' and not shown on the Exhibit A) is located on the site adjacent the 5'x5' building, which is shown on the Exhibit A. Amending the grant's Exhibit A to more completely reflect the conditions on the site could be accomplished during the renewal process.

The BLM land that right-of-way grant OR 48457 is located on is managed under standards, guidelines, and objectives established for the land use allocation Late-Successional Reserve described in the Record of Decision Document for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl, (April, 1994), and the Eugene District Record of Decision and Resource Management Plan, (June, 1995).

**Proposed Action:** The proposed action is to renew authorization OR 48457 for a period of 10 years, making the new expiration date for the grant December 31, 2012. The rights to operate Brickerville TV Cable Service, Inc. existing equipment in their currently existing facilities will not be expanded by the renewal. Additionally, the grant's Exhibit A would be amended to 1.) add an existing small equipment building (8'x8') not currently depicted on the Exhibit, and 2.) place additional provisions in the right-of-way grant. These provisions address items (hazardous materials and

cultural/paleontological/human remains/funerary items) of BLM concern which matured after the initial right-of-way grant was issued in 1992. The amended Exhibit A and the additional provisions are attached.

Note that no ground disturbing activities are associated with or authorized by this proposed action.

**Decision:** It is my decision to renew right-of-way grant OR 48457, extending its expiration date to December 31, 2012, and to amend the Exhibit A to more completely reflect the existing conditions at the communication site and BLM concerns.

**Rationale:** The proposed action qualifies as a categorical exclusion as described in the Departmental Manual [(516 DM 6.5, Appendix 5.4 E(9) and E(12)] and does not meet any of the exception criteria. 516 DM 6.5, Appendix 5.4, E(9) references "Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations". Provision E(16) references "Acquisition of easements for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes". Renewing the term of the right-of-way grant is consistent with the grant's 2.d. provision and 43 CFR 2803.6-5, and it is consistent with the standards, guidelines, and objectives for the Late Successional Reserve land use allocation and the Rights-of-Way program as described in the Record of Decision Document for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl, (April, 1994), and the Eugene District Record of Decision and Resource Management Plan, (June, 1995).

Prepared by: /s/ David Schroeder  
Realty Specialist

Date: 10/17/02

Reviewed by: /s/ Rick Colvin  
Planning & Environmental Coordinator

Date: 12/6/02

Approved by: /s/ Gary Hoppe, acting  
Field Manager

Date: 12/6/02

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
EUGENE DISTRICT

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CATEGORICAL EXCLUSION REVIEW

Exception Criteria Review Checklist

Proposed Action: Renewing right-of-way grant OR48457 for a 10 year period and amending the grant's Exhibit A to more completely reflect existing conditions on the communication site. The new expiration date for the grant would become December 31, 2012.

Review the proposed action against each of the criteria listed below. If the project meets one or more of the criteria, it is an exception from categorical exclusion and MUST be analyzed in an EA or EIS. To qualify as a Categorical Exclusion the proposed action may not meet any of the criteria. If the criterion does not apply, indicate "Not Applicable." Any mitigation measures (such as contract stipulations or terms and conditions on permits) necessary to ensure that the proposed action qualifies as a categorical exclusion should be identified at the bottom of the page.

Exception Criteria		Comments
1.	Have significant adverse effects on public health or safety	No.
2.	Have adverse effects on unique resources (i.e., parks, recreation, refuge lands, wilderness areas, wild or scenic rivers, wetlands, floodplains, etc.)	No.
3.	Have highly controversial environmental effects	No.
4.	Have highly uncertain environmental effects or involve unique or unknown environmental risks	No.
5.	Establish a precedent that could result in significant impacts	No.
6.	Be directly related to other actions having cumulatively significant effects	No.
7.	Have adverse effects on cultural or historical resources	No.
8.	Have adverse effects on species listed or proposed as threatened or endangered or have adverse effect on designated critical habitat for these species.	No.
9.	Require compliance with E.O. 11988 (floodplain management), E.O. 11990 (protection of wetlands), or the Fish & Wildlife Coordination Act	No.
10.	Threaten to violate Federal, State, Local or Tribal law or requirements imposed for the protection of the environment	No.
Mitigation measures needed to qualify as CE: None, however provisions are being added to the Communications Use Lease Exhibit B and Exhibit C to reflect current standards of environmental protection, health, and safety.		

Reviewed By: /s/ Rick Colvin

Date: 12/6/02

Above mitigation measures have been adopted and will be implemented.

Field Manager: /s/ Gary Hoppe, acting

Date: 12/6/02

OR 090-1791-5  
(June 1993)